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20 Attorneys for Plaintiff  
21 SAN FRANCISCO TECHNOLOGY INC.

22 UNITED STATES DISTRICT COURT  
23  
24 NORTHERN DISTRICT OF CALIFORNIA  
25  
26 (SAN JOSE DIVISION)

27 SAN FRANCISCO TECHNOLOGY INC.,

Case No. CV10-00966 JF

28 Plaintiff,

v.

**STIPULATION UNDER LOCAL RULES 6-  
1 AND 6-2 AND ~~PROPOSED~~ ORDER  
SHORTENING TIME**

19 THE GLAD PRODUCTS COMPANY, BAJER  
20 DESIGN & MARKETING INC., BAYER  
21 CORPORATION, BRIGHT IMAGE  
22 CORPORATION, CHURCH & DWIGHT CO.  
23 INC., COLGAGE-PALMOLIVE COMPANY,  
24 COMBE INCORPORATED, THE DIAL  
25 CORPORATION, EXERGEN CORPORATION,  
26 GLAXOSMITHKLINE LLC, HI-TECH  
27 PHARMACAL CO. INC., JOHNSON  
28 PRODUCTS COMPANY INC., MAYBELLINE  
LLC, MCNEIL-PPC INC., MEDTECH  
PRODUCTS INC., PLAYTEX PRODUCTS  
INC., RECKITT BENCKISER INC., ROCHE  
DIAGNOSTICS CORPORATION,  
SOFTSHEEN-CARSON LLC, SUN  
PRODUCTS CORPORATION, SUNSTART  
AMERICAS INC.,

Defendants.

STIPULATION UNDER LOCAL RULES 6-1 AND 6-2 AND  
[PROPOSED] ORDER SHORTENING TIME  
Case No. CV10-00966 JF

1 Defendant Exergen Corporation (“Exergen”) and Plaintiff San Francisco Technology, Inc.  
2 (“SF Tech”) through their respective counsel, hereby make the following stipulation:

3 WHEREAS, Plaintiff SF Tech filed its complaint (D.I. 1) on March 5, 2010 (“the  
4 Complaint”);

5 WHEREAS, Plaintiff SF Tech served the Summons and Complaint on Exergen via U.S.  
6 Mail on June 15, 2010 (Kent Decl., ¶3);

7 WHEREAS, Exergen received the Summons and Complaint on June 18, 2010 (Kent Decl.,  
8 ¶4);

9 WHEREAS, pursuant to CCP § 415.40 (applicable pursuant to Fed. R. Civ. P. 4(h)(1)(A)  
10 and Fed. R. Civ. P. 4(e)(1)) and Fed. R. Civ. P. 12(a)(1)(A)(i), the deadline for Exergen to move  
11 or plead in response to the Complaint is July 21, 2010;

12 WHEREAS, Exergen intends to file a pre-answer motion pursuant, *inter alia*, to Fed. R.  
13 Civ. P. 12(b);

14 WHEREAS, certain other defendants have filed pre-answer motions;

15 WHEREAS, on May 18, 2010, the Clerk in this matter posted a notice (D.I. 186) setting a  
16 conference on July 8, 2010 to hear the defendants’ motions to dismiss, motions to stay, and  
17 motions to sever; and

18 WHEREAS, the parties believe that the interests of judicial efficiency favor hearing  
19 Exergen’s motion on July 8, 2010, together with the pre-answer motions of Exergen’s co-  
20 defendants,

21 NOW THEREFORE, THE PARTIES STIPULATE THAT:

22 Defendant Exergen shall file any motion to dismiss, motion to stay, or motion to sever no  
23 later than June 30, 2010;

24 Plaintiff SF Tech shall file its opposition to Exergen’s motion, if necessary, no later than  
25 July 7, 2010; and

26 Any such motion shall be heard during the July 8, 2010 hearing currently scheduled in this  
27 case.

28 ///

1 Dated: June 24, 2010

FISH & RICHARDSON P.C.

2  
3 By: /s/ Robert J. Kent  
Robert J. Kent

4 Attorney for Defendant  
5 EXERGEN CORPORATION

6 Dated: June 24, 2010

MOUNT & STOELKER, PC

7  
8 By: /s/ Robert J. Kent on behalf of  
Daniel H. Fingerman  
9 Daniel H. Fingerman

10 Attorneys for Plaintiff  
11 SAN FRANCISCO TECHNOLOGY, INC.

12 **DECLARATION**

13 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under  
14 penalty of perjury that concurrence in the filing of this document has been obtained from Daniel  
15 Fingerman.

16  
17 Dated: June 24, 2010

FISH & RICHARDSON P.C.

18  
19 By: /s/ Robert Kent  
Robert J. Kent

20 Attorney for Defendant  
21 EXERGEN CORPORATION

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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2  
3 Dated: 6/29/2010

4   
5 THE HONORABLE JEROME FOGEL  
6 United States District Court Judge

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1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that on June 24, 2010, all counsel of record who are  
3 deemed to have consented to electronic service are being served with a copy of the  
4 **STIPULATION UNDER LOCAL RULES 6-1 AND 6-2 AND [PROPOSED] ORDER**  
5 **SHORTENING TIME** via the Court's CM/ECF system per Local Rule 5-4 and General Order  
6 45. Any other counsel of record will be served by first class mail.

7 /s/ Robert J. Kent

8 Robert J. Kent

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